

Gina Harrison  
Director  
Federal Regulatory Relations

1275 Pennsylvania Avenue, N.W., Suite 400  
Washington, D.C. 20004  
(202) 383-6423

**PACIFIC  TELESIS.**  
Group-Washington

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**NOV 27 1996**

Federal Communications Commission  
Office of Secretary

November 27, 1996

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Mail Stop 1170  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Dear Mr. Caton:

Re: *WT Docket No. 96-198, Implementation of Section 255 of the Telecommunications Act of 1996; Access to Telecommunications Services, Telecommunications Equipment, and Customer Premises Equipment by Persons with Disabilities*

On behalf of Pacific Telesis Group, please find enclosed an original and six copies of its "Reply Comments" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,



Enclosure

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of

Implementation of Section 255 of the  
Telecommunications Act of 1996

Access to Telecommunications Services,  
Telecommunications Equipment, and  
Customer Premises Equipment  
By Persons with Disabilities

WT Docket No. 96-198

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**REPLY COMMENTS OF PACIFIC TELESIS GROUP**

Pacific Telesis Group submits its response to comments on the Notice of Inquiry in the above-captioned proceeding.<sup>1</sup> Many insightful comments were filed from a wide cross-section of interests. The record will be used by the Access Board<sup>2</sup> in their development of accessibility guidelines for equipment and CPE, and, by the Commission in deciding how to resolve complaints about accessibility. In considering these comments, the Commission should be guided by Chairman Hundt's statement:

The framework we implement should stimulate consultation, cooperation and voluntary, proactive efforts among the industry

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<sup>1</sup> *Implementation of Section 155 of the Telecommunications Act of 1996*, WT Docket No. 96-198, *Notice of Inquiry*, September 19, 1996 ("NOI").

<sup>2</sup> United States Architectural and Transportation Barriers Compliance Board ("Access Board").

and consumers with disabilities to develop “readily achievable” solutions that will bring the benefits of telecommunications technologies to the broadest base of persons with disabilities. Without such a framework, I am concerned that we risk providing the telecommunications industry with a vague and cumbersome mandate that will result in costly and complex complaint proceedings rather than cooperative and innovative solutions.<sup>3</sup>

We agree that solutions and options for access must be foremost in our endeavors.

The Commission, manufacturers, service providers, and consumers together must focus on promoting innovative solutions--not on rulemaking or prescriptions that may ultimately limit accessibility options. We also join commentators who argue that the Commission should “maximize value-added activities, such as engineering and research, while minimizing administrative and compliance activities, which add less functional value to the telecommunications product.”<sup>4</sup> To those ends, we urge the Commission to issue process-oriented compliance guidelines, instead of specific rules; to encourage cooperation and collaboration among equipment and service providers; to minimize administrative and compliance requirements; and to promote the establishment of a clearinghouse of information on accessible products and technology.

**I. Process-Oriented Guidelines Offer the Best Opportunity for Continuing Progress in Providing Accessibility to Products and Services**

Commentors provide persuasive reasons why the Commission should adopt compliance guidelines. Guidelines will permit companies the ability to determine how they will

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<sup>3</sup> *NOI*, Statement of Chairman Reed E. Hundt.

<sup>4</sup> Comments of Siemens, p. 3.

tackle complex access issues. Guidelines will allow the flexibility companies need to capture the value of rapidly changing technology and to allow it to be utilized in the most cost effective and market beneficial manner.<sup>5</sup> We advocate guidelines that focus on processes incorporating Universal Design concepts in product development and marketing. We agree with NYNEX and other commentators that "Performance based guidelines allow industry an opportunity to quickly and more efficiently introduce accessible products."<sup>6</sup>

Rules requiring technical solutions may limit incentives for on-going efforts by manufacturers, and service providers to develop innovative accessibility solutions which may also benefit the general market. It may foreshorten the valuable collaborative process which occurs when people with differing viewpoints and interests work toward a common goal. That process has already begun with the Telecommunications Access Advisory Committee ("TAAC") of the Access Board. The efforts of the TAAC, which is made up of representatives from industry and consumers groups, will further vital dialogue, clarify issues, and permit sharing of all kinds of information, not just technical data, which will stimulate new ideas and understandings.

The accessibility guidelines being worked on by the TAAC could serve as the basis for the Commission's guidelines. The TAAC's guidelines are also process-oriented and will enable companies to develop their own options to respond to accessibility requirements. The Commission should pay special note to the need for guidelines to take into account the timing of accessibility design availability (i.e., "cycle time"). As TIA comments, "Timing of the

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<sup>5</sup> Comments of US West, Inc., p. 2.

<sup>6</sup> NYNEX Comments, p. 7.

improvement is an important factor in the overall balancing of the equation called 'readily achievable'.<sup>7</sup> USTA is also correct that a breakthrough by one manufacturer or provider may well motivate competitors to retool their offerings in light of technological developments. However, accessibility solutions that become available after a product is on the market should not trigger a requirement for retrofitting unless the modification is readily achievable and sufficient time is permitted to accomplish the modification.

## **II. Cooperation between Equipment Manufacturers and Service Providers is Critical to Achieving Accessibility**

Many comments acknowledge the undeniable interdependence between telecommunications equipment and services in providing accessibility to persons with disabilities. Industry wide solutions undoubtedly are preferred as the most economically efficient. Optimum accessibility will only occur if equipment manufacturers, service providers and others, such as representatives of consumers with disabilities, work together. Collaboration through the TAAC on accessibility as well as sharing information through a clearinghouse, discussed below, can produce strong efficiencies to benefit accessibility options. The comments filed in this proceeding clearly indicate our willingness to work together.

On the other hand, notwithstanding the linkage between equipment and services, we agree with Southwestern Bell that service providers should not be liable for a manufacturer's failure to make equipment accessible, if readily achievable; nor should a manufacturer be held liable for a service provider's failure to make a service accessible, if readily achievable. There

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<sup>7</sup> Comments of the Telecommunications Industry Association ("TIA"), p. 6, n. 6.

are no such requirements in §255 and the Commission should not impose them. Carriers, however, should be able to require that manufacturers certify that their equipment to be used in a carrier's network will not interfere with a carrier's ability to provide accessibility. That requirement would provide incentive for network equipment manufacturers to include accessibility considerations in their product processes.

### **III. Documenting Accessibility Performance Need Not Be Burdensome**

Several commentors suggest models for documenting accessibility performance which would assist the Commission and interested parties in assessing compliance with §255. Our comments suggest a Declaration of Conformity in conjunction with a Customer Accessibility Impact Report.<sup>8</sup> We think that NYNEX's proposal for an Annual Accessibility Assessment Statement ("Statement") would also work well. Service and equipment providers would document their efforts to implement accessibility guidelines as well as contributions made to the standards process for the development of accessible telecommunications standards and requirements.<sup>9</sup> The Statement would be available to the Commission and to the public. Whether called a Document of Conformity, Customer Accessibility Impact Report or a Statement, documentation must be simple but informative. It must document the company's good faith efforts to provide accessible products and services, and realistically reflect a company's activities, for example, to use Universal Design in its product development process. Complex or rigid reporting requirements must be avoided because that will add to the cost of a product and

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<sup>8</sup> Comments of Pacific Telesis Group, p. 13.

<sup>9</sup> NYNEX Comments, p. 8.

affect whether it is readily achievable. Moreover, the Commission's goal is to encourage accessibility--not to increase its oversight or carriers' reporting requirements. In fact, complex, burdensome reporting would be contrary to the overall deregulatory approach of the 1996 Act and to the Commission's on-going commitment to eliminate unnecessary and burdensome regulation, including reporting requirements.<sup>10</sup>

#### **IV. An Information Clearinghouse Would Promote Accessibility**

A clearinghouse of accessible products and technologies that promote accessibility is an excellent idea that is well supported in the comments. Microsoft suggests the creation of a national Accessibility Technology Clearinghouse.<sup>11</sup> The Information Industry Technology Council recommends a clearinghouse of information from manufacturers on specialized equipment and on specific needs or problems with existing equipment.<sup>12</sup> PCIA suggests that industry trade associations and consumer organizations can work together to collect and distribute a list of accessible products.<sup>13</sup> The TIA cites several examples of clearinghouse type publications.<sup>14</sup>

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<sup>10</sup> See *Revision of Filing Requirements*, CC Dkt. No. 96-23, *Report and Order*, 11/13/96 (eliminating thirteen common carrier reports and reducing the frequency of filing obligations for four other reports).

<sup>11</sup> Comments of Microsoft Corporation In Response to the Commission's Notice of Inquiry, p. 32.

<sup>12</sup> Comments of the Information Industry Technology Council, p. 8.

<sup>13</sup> Comments of the Personal Communications Industry Association, p. 7.

<sup>14</sup> TIA, p. 8.

A clearinghouse could be a single point of contact for consumers, manufacturers, service providers, and other interested parties. It would be a very valuable resource to consumers interested in available access options, to manufacturers and service providers for information on other successful options that might work for their products; and to the Commission as a basis for evaluating specific performance against industry standards.

Establishing a clearinghouse might not require extraordinary effort. Existing institutions, such as the Trace Research & Development Center at the University of Wisconsin, may already have, or with minor modification provide, an organizational structure that can perform clearinghouse functions. We urge the Commission to recommend that the industry establish an information clearinghouse and encourage the TAAC to work on implementation specifics such as funding sources.

## **V. Conclusion**

Pacific Telesis Group shares the Commission's goal of facilitating access to critical telecommunications tools by all of our citizens, including individuals with disabilities. Our history in this regard demonstrates our long-standing commitment to provide California consumers with a broad range of services and options. We believe that Universal Design principles that we have adopted as part of our product development process work well in this regard. We suggest that similar process-oriented guidelines will also work well in the context of




§255 to accomplish the intent of the 1996 Act--ensuring that telecommunications products and services are accessible to and usable by individuals with disabilities.

Respectfully submitted,

PACIFIC TELESIS GROUP

R. MICHAEL SENKOWSKI  
ERIC W. DESILVA

WILEY, REIN & FIELDING  
1776 K Street, N.W.  
Washington, D.C. 20006  
(202) 429-7000

  
\_\_\_\_\_  
MARLIN D. ARD  
LUCILLE M. MATES  
BETSY S. GRANGER

140 New Montgomery Street, Rm. 1526  
San Francisco, California 94105  
(415) 542-7654

MARGARET E. GARBER

1275 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 383-6472

Its Attorneys

Date: November 27, 1996

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